IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 33674 of 2004(H)

PETITIONER:

MUMTAJ, W/O.USMAN, AGED 59 YEARS, R/A. ALAMKADAVIL, AMBRAM PALAYAM, POLLACHI, COIMBATORE REP. BY THE P.A.HOLDER THANKAVELU, S/O.PAZHANIAPPA - NAICKER, KOLAYAKKOTTIL, PUTHUSSERY AMSOM AND DESOM, PALAKKAD.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE, PUTHUSSERY.

2. DEPUTY SUPERINTENDENT OF POLICE, PALAKKAD.

3. E.C.RASHEED, S/O.CAANTH MOHAMMED RAWTHER, UMMASLMA MANZIL, ENNAPPADAM, PALLATHERY, PALAKKAD.

4. R.VIJAYAN, LAKSHMI, MILMA ROAD, KALLEPPULLY, PALAKKAD.

5. THE TAHSILDAR, PALAKKAD.

BY ADV. SRI.R.D.SHENOY (SR.) -- R3 AND R4
SRI.S.VINOD BHAT
SRI.T.R.RAJAN
GOVERNMENT PLEADER SRI. MUHAMMED PUZHAKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33674/2004 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPEAL MEMORANDUM IN AS NO. 194/95 PENDING BEFORE THIS COURT.

EXT.P2. COPY OF THE ORDER DT. 13/09/2004 BY THE R5.

EXT.P3. COPY OF THE ORDER DT. 14/09/2004 BY THE FEOLOGIST, PALAKKAD.

EXT.P4. COPY OF THE PETITION FILED BEFORE THE R1 DT. 10/11/2004.

EXT.P5. COPY OF THE PETITION FILED BEFORE THE R2 DT. 10/11/2004.

EXT.P6. COPY OF THE REPORT APPEARED IN THE MATHRUBHUMI DAILY DT. 15/11/2004.

EXT.P7. COPY OF THE SALE DEED NO. 2810/99 OF SRO PALAKKAD DT. 28/5/1999.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

KURIAN JOSEPH, J.

W.P.(C) NO. 33674 OF 2004

Dated this the 23rd day of November, 2007.

J U D G M E N T

This writ petition is filed praying for a direction to the respondents 1 and 2 to take action against respondents 3 and 4 for the unauthorised mining of sand. It is seen that the property in dispute is the subject of Exhibit P1, A.S. No. 194/1995 pending before this Court. Therefore, this writ petition is disposed of without prejudice to the liberty to the petitioner either to seek appropriate orders in the pending appeal or to approach the concerned authority after disposal of the appeal.

KURIAN JOSEPH, JUDGE.

smp